

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Miskovski	Team: Squad #3	CCRB Case #: 202003730	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 05/29/2020 10:45 PM, Friday, 05/29/2020 11:00 PM, Saturday, 05/30/2020	Location of Incident: 411 Lafayette Avenue; 388 Lafayette Avenue; 88th Precinct stationhouse at 298 Classon Avenue.	Precinct: 88	18 Mo. SOL 11/29/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 05/30/2020 2:10 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 05/30/2020 2:10 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LSA Michael Doyle	00000	917072	CRM CTL
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Duggan	06001	948475	TB DT32
2. POM Wilman Gutama	06100	967537	PSA 9
3. POM Leif Tjornhom	06010	945054	S.I. CT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: On May 29, 2020, in the vicinity of 411 Lafayette Avenue, an officer used physical force against § 87(2)(b)	
B. An officer	Force: On May 29, 2020, in the vicinity of 411 Lafayette Avenue, an officer used physical force against § 87(2)(b)	
C. LSA Michael Doyle	Discourtesy: On May 29, 2020, in the vicinity of 388 Lafayette Avenue, Lieutenant Michael Doyle spoke discourteously to Individuals.	
D. LSA Michael Doyle	Force: On May 29, 2020, in the vicinity of 388 Lafayette Avenue, Lieutenant Michael Doyle used physical force against § 87(2)(b)	
E. LSA Michael Doyle	Abuse: On May 30, 2020, in the vicinity of 394 and 435 Lafayette Avenue, Lieutenant Michael Doyle refused to provide his tax identification number to § 87(2)(b)	
F. LSA Michael Doyle	Abuse: On May 30, 2020, at the 88th Precinct stationhouse, Lieutenant Michael Doyle issued a summons to § 87(2)(b)	

Case Summary

On May 30, 2020, § 87(2)(b) filed this complaint via the CCRB website. On June 4, 2020, reporting non-witness § 87(2)(b) filed a duplicate complaint on behalf of an unknown individual (the investigation determined him to be § 87(2)(b) via the CCRB website.

On May 29, 2020, at approximately 9:10 p.m., § 87(2)(b) joined the protests against police brutality in Brooklyn along Lafayette Avenue and Classon Avenue. At approximately 10:45 p.m., near 411 Lafayette Avenue, an unidentified officer shouted at the crowd to back up and pushed § 87(2)(b) as the group of officers walked closer to Classon Avenue; the officers again commanded the crowd to back up and the same officer pushed § 87(2)(b) again (**Allegations A and B: Force**; § 87(2)(g)). At approximately 11:00 p.m., § 87(2)(b) continued to stay near the same intersection and was near 388 Lafayette Avenue. § 87(2)(b) began to speak with Lieutenant Michael Doyle of Criminal Control. While they conversed, another individual somewhere in the crowd threw a bottle at the officers. The officers began to run at the crowd, and Lt. Doyle shouted, “Get out of the fucking street!” (**Allegation C: Discourtesy**, § 87(2)(g)). § 87(2)(b) stood near the edge of the sidewalk to avoid the officers as they ran past, but Lt. Doyle turned to § 87(2)(b) and pushed § 87(2)(b) on the chest, causing him to fall onto the street (**Allegation D: Force**, § 87(2)(g)). Later in the night, at approximately 12:00 a.m. on May 30, 2020, near 435 Lafayette Avenue, § 87(2)(b) saw Lt. Doyle, who was speaking with another officer in a white shirt, again and asked him for his shield number. Lt. Doyle did not provide any identifying information to § 87(2)(b) in response to his requests (**Allegation E: Abuse of Authority**, § 87(2)(g)). Lt. Doyle then walked over to § 87(2)(b) and said, “You want my attention baby? You got it,” handcuffed § 87(2)(b) escorted him to the 88th Precinct stationhouse, and issued him criminal court summons #4441880724 for disorderly conduct (**Allegation F: Abuse of Authority**, § 87(2)(g) (12 Board Review)). Once he issued § 87(2)(b) the summons, Lt. Doyle informed him that lieutenants do not have shield numbers.

A request for body-worn camera (BWC) footage returned negative results (**BR 01**). § 87(2)(b) provided links to Twitter and Reddit videos capturing parts of the video (**02 and 04 Board Review**). He also provided his own cellphone footage of parts of the incident (**03 Board Review**). A request for TARU footage yielded negative results (**20 Board Review**).

Findings and Recommendations

Allegation (A) Force: On May 29, 2020, in the vicinity of 411 Lafayette Avenue, an officer used physical force against § 87(2)(b)

Allegation (B) Force: On May 29, 2020, in the vicinity of 411 Lafayette Avenue, an n officer used physical force against § 87(2)(b)

On May 29, 2020, at approximately 10:45 p.m., during the protests at Lafayette Avenue and Classon Avenue in Brooklyn, § 87(2)(b) was moving eastward along the north side of Lafayette Avenue, closer to the building at 411 Lafayette Avenue. An unidentified officer pushed § 87(2)(b) with two hands, making contact near each armpit, while a small group of officers were walking past. The officer was shouting, “Move,” to no one in particular. The push did not cause § 87(2)(b) to step backwards nor did it cause him pain. § 87(2)(b) did not know what the officers were responding to, but there was a group of civilians behind him. § 87(2)(b) asked the officer for his shield number, but the officer said, “Not the time.” § 87(2)(b) rejoined the group of civilians. Approximately five minutes later, the same group of police officers on the south side of

Lafayette Avenue were moving the group of civilians back onto the sidewalk, and the same unidentified officer stood near § 87(2)(b). The officer extended his hands against § 87(2)(b) and pushed him, since the unidentified officer and the other officers were moving another building length. The officers then backed away. Once the officers stopped moving, § 87(2)(b) saw an unidentified officer standing about ten feet away and asked him for his shield number again. An unidentified stated that it was 6101. § 87(2)(b) described the officer as a white male, 6'3" tall, in his 30s, with a brown goatee, wearing a navy police uniform **(07 Board Review)**.

CTS database revealed that Detective Joseph Higgins of Bronx Gang Squad is the only officer with the given shield number, and according to his MOS photo, he is a white male, 5'8" tall, § 87(2)(b) old, with black hair, and a mustache which does not match the description **(22 Board Review)**. However, Bronx Gang Squad Tour 3 Roll Call for that day and Det. Higgins' memo book revealed that Det. Higgins was not working and was on his scheduled day off **(05 Board Review)**. Furthermore, the Detail Rosters from Patrol Borough Brooklyn North for the protest do not show Bronx Gang Squad as one of the listed commands on duty for the night **(06 Board Review)**. § 87(2)(g)

The Detail Rosters do not provide any information to assist with officer identification either **(06 Board Review)**. The following commands are listed in the Rosters: Precincts 20, 23, 24, 25, 26, 28, 30, 32, 33, 34, 44, 75, 77, 79, 81, 83, 84, 88, 90, 94, 108, 109, 110, 111, 112, 114, 115, Patrol Borough Brooklyn North, and Critical Response Command. Bronx Gang is not listed among the commands. The locations listed in the Rosters are only the following: the Brooklyn Bridge [40 minutes away from incident location]; Brooklyn City Hall [35 minutes]; the Manhattan Bridge [40 minutes]; Cadman Plaza and Tillary Street [40 minutes]; and Jay Street/Metro Tech Station [30 minutes]. The incident location is not listed in the rosters. § 87(2)(g)

CTS officer identification tool revealed the following officers with the shield number similar to 6101: Det. Michael McFadden, a § 87(2)(b) old white male, shield number 6001, assigned to Financial Crimes Squad; PO Michael Duggan, a § 87(2)(b) old white male, shield number 6100, assigned to Transit District 32; PO Wilman Gutama, a § 87(2)(b) old Hispanic male, shield number 6100, assigned to PSA 9; Det. William Connick, a § 87(2)(b) old white male, shield number 1601, assigned to Detective Bureau Staten Island; Det. Edward Wilkowski, a § 87(2)(b) old white male, shield number 6110, assigned to Organized Crime Investigative Division; PO Leif Tjornhom, a § 87(2)(b) old white male, shield number 6010, assigned to Staten Island Court Section; PO Maximo Agront, a § 87(2)(b) old Hispanic male, shield number 601, of the 75th Precinct and Det. David Lambert, a § 87(2)(b) old Hispanic male, shield number 601 of the 79th Detective Squad **(09-10 Board Review)**. None of these officers were in the Detail Roster for the protest either nor were their commands, except for PO Agront and Det. Lambert **(06 Board Review)**. According to PO Agront's memo book for the day, he did not work during the protest **(23 Board Review)**. According to Det. Lambert's memo book, he was performing administrative duties during the incident day **(24 Board Review)**. Since PO Duggan, PO Gutama and PO Tjornhom have roughly similar descriptions to that of the subject officer, the investigation requested Roll Calls and memo books from their commands for the incident date. According to PO Duggan's memo book for the day, he was not present for the protest and was patrolling the subways away from the incident location **(28 Board Review)**. According to PO Gutama's memo book, he was not present for the protests and was in the Bronx at the time **(29 Board Review)**. According to the Roll Call for Staten Island Court Section, PO Tjornhom was not on duty during the protests **(30 Board Review)**.

The CCRB investigated concurrent incidents at the same protest in cases # 202003698, #202003727, #202003733 and #202004761; however, none of these cases provided any new or relevant information in the current case **(31-33 Board Review)**. Finally, as previously stated, the

BWC request returned negative results **(01 Board Review)**.

Search for social media videos did not reveal any additional videos apart from the video provided by § 87(2)(b). The undersigned investigator also checked through the New York Times article containing a number of protest videos titled, "N.Y.P. D Says It Used Restraint During Protests. Here's What the Videos Show" and did not find any results aside from a video of Lt. Doyle pushing § 87(2)(b) in Allegation D, which was the same video § 87(2)(b) provided to the investigation **(25 Board Review)**. § 87(2)(b)'s other video did not provide any information pertinent to the identification of this officer **(03 Board Review)**. Search for local security cameras in the area returned negative results as well **(26 Board Review)**.

§ 87(2)(g)

Allegation (C) Discourtesy: On May 29, 2020, in the vicinity of 388 Lafayette Avenue, Lieutenant Michael Doyle spoke discourteously to individuals.
Allegation (D) Force: On May 29, 2020, in the vicinity of 388 Lafayette Avenue, Lieutenant Michael Doyle used physical force against § 87(2)(b)

In his CCRB interview, § 87(2)(b) stated that by approximately 11:00 p.m., between 30 to 70 protestors remained in the area. § 87(2)(b) stood by several officers at the intersection of Lafayette Avenue and Classon Avenue at the south end of the sidewalk, near the building at 388 Lafayette Avenue. He spoke with a lieutenant who identified himself as Lt. Doyle who told § 87(2)(b) to leave the area because he could be hurt by his fellow protestors. § 87(2)(b) responded that the protestors would not be throwing anything if the police were not there. § 87(2)(b) exchanged some words with Lt. Doyle but could not remember the entire conversation. A few minutes afterward, someone in the crowd threw a bottle at the officers standing by § 87(2)(b). The group of officers started to run at the crowd while § 87(2)(b) ran from them in an attempt to get out of the way. Lt. Doyle shouted, "Get out of the fucking street" toward no one in particular. § 87(2)(b) ran to the right of Lt. Doyle, but Lt. Doyle turned to his own right side, put his hands on § 87(2)(b)'s chest and pushed § 87(2)(b) there. § 87(2)(b) attempted to keep his footing but lost his balance and fell from the sidewalk onto the road, hurting his left shoulder from the impact to the ground. An unknown civilian bystander helped § 87(2)(b) to stand up, and the two of them ran eastward toward the corner of Lafayette Avenue and Franklin Avenue. § 87(2)(b) did not seek medical attention for his shoulder **(07 Board Review)**.

An 11-second video from § 87(2)(b), attached to IA#45, partially captures Lt. Doyle pushing § 87(2)(b) **(02 Board Review)**. § 87(2)(b) also provided a link to the tweet. In the video, Lt. Doyle and other officers run close to the sidewalk near a parked white SUV. At 00:02 seconds, § 87(2)(b) stands in front of the SUV by the sidewalk. The video frame moves away from the front of the vehicle for a partial second. At 00:03 seconds, § 87(2)(b) is seen falling down onto the street. At 00:04 seconds, Lt. Doyle is directly next to § 87(2)(b). His right arm is extended, and he then brings it back to his torso. Lt. Doyle and the other officers continue to run down the sidewalk, while an unidentified male bends over toward § 87(2)(b). The videographer follows Lt. Doyle and the video ends at 00:11 seconds **(02 Board Review)**. There are no other videos of this interaction.

§ 87(2)(b) refused to provide a statement to the CCRB § 87(2)(b)

(11 Board Review).

As of August 12, 2020, Lt. Doyle has retired from the NYPD **(21 Board Review)**. § 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: On May 30, 2020, in the vicinity of 394 and 435 Lafayette Avenue, Lieutenant Michael Doyle refused to provide his tax identification number to § 87(2)(b)

Allegation (F) Abuse of Authority: On May 30, 2020, at the 88th Precinct stationhouse, Lieutenant Michael Doyle issued a summons to § 87(2)(b)

In his verified statement to the CCRB, § 87(2)(b) stated that once the officers regrouped after Lt. Doyle had pushed him, he saw Lt. Doyle near 394 Lafayette Avenue. § 87(2)(b) shouted to him and asked for his shield number. § 87(2)(b) was unsure if Lt. Doyle heard him but believed that he did. § 87(2)(b) could not estimate how far Lt. Doyle was from his position. § 87(2)(b) attempted to cross Lafayette Avenue when the crosswalk light turned green, but he was unable to see Lt. Doyle's shield. He shouted to Lt. Doyle, but Lt. Doyle did not pay attention. § 87(2)(b) recorded his question on his cell phone (**07 Board Review**). The short video footage provided by § 87(2)(b) contained in IA#47, shows him asking this question while crossing the sidewalk between 2:59 and 3:10 minutes (**03 Board Review**). On May 30, 2020, at 12:00 a.m., Lt. Doyle and several officers stood across from the park at 435 Lafayette Avenue. § 87(2)(b) walked up to two uniformed officers and asked them if they could speak with him, explaining that he needed help getting Lt. Doyle's information. § 87(2)(b) pointed at Lt. Doyle, since he stood about ten feet behind them in the middle of the intersection. Lt. Doyle made eye contact with § 87(2)(b) as he was pointing. Lt. Doyle walked over with another officer in a white shirt. § 87(2)(b) then said, "Sgt. Doyle, can I have your badge number please?" Lt. Doyle responded, "You wanted my attention baby? You got it." Lt. Doyle and the other officer then pressed § 87(2)(b) against the hood of a vehicle and handcuffed him. Lt. Doyle did not explain he does not have a shield number nor did he provide his tax identification number to § 87(2)(b) when asked. § 87(2)(b) noted that the push was not hard and did not cause him any pain. The officers finished handcuffing him and then helped him stand. Later at the 88th Precinct stationhouse, Lt. Doyle informed § 87(2)(b) that lieutenants do not have shield numbers. Lt. Doyle issued § 87(2)(b) criminal court summons #§ 87(2)(b) for § 87(2)(b) with Lt. Doyle's name and tax identification number on the summons (**12 Board Review**). § 87(2)(b) stated that when Lt. Doyle provided the summons, only then did he inform § 87(2)(b) that lieutenants did not have shield numbers and that his identifying information would be on the summons (**07 Board Review**). § 87(2)(b) who did not know § 87(2)(b) witnessed Lt. Doyle handcuffing § 87(2)(b) and provided a statement to the investigation consistent with § 87(2)(b)'s statement. However, § 87(2)(b) admitted that he was too far from the group to hear anything being said but alleged that he saw Lt. Doyle punch § 87(2)(b) in the chest in the process of handcuffing him (**13 Board Review**). However, § 87(2)(b) recorded the incident on his phone and uploaded the footage to § 87(2)(b) (**04 Board Review**). The 33-second video, found in IA #46, shows this part of the incident. The video opens with § 87(2)(b) speaking with two uniformed police officers in the middle of the intersection of Lafayette Avenue and Classon Avenue in Brooklyn, across from the park at 435 Lafayette Avenue. § 87(2)(b) points at Lt. Doyle who is behind the officers. § 87(2)(b) can be heard saying, "His name is Sergeant Doyle, do you think you could [inaudible]." One of the officers shakes his head. Lt. Doyle and a fellow officer in a white shirt then compress their asps against the ground and walk toward § 87(2)(b). At 00:17 seconds, as they get closer, § 87(2)(b) says, "Sergeant, I would like to ask your badge number sir." Lt. Doyle immediately grabs § 87(2)(b)'s right arm and places a handcuff on it, while the second officer grabs the left arm and places his hand on § 87(2)(b)'s chest. While holding his arms, they walk him five feet to a parked vehicle, place him chest-down on the trunk and handcuff his other wrist. At 00:28 seconds, they lift § 87(2)(b) and Lt. Doyle says, "You want my attention baby? You got it." They then walk him across the intersection, and the video ends (**04 Board Review**).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (**14 Board Review**)
- Lt. Doyle has since retired from the NYPD (**08 Board Review**), but during his tenure, he has been a subject in 16 complaints with 29 allegations, three of which were substantiated.
 - 201308582 involved a substantiated allegation of entry and search against Lt. Doyle. The Board recommended Formalized Training, and the NYPD imposed the recommended discipline.
 - 201503932 involved a substantiated allegation of entry and search against Lt. Doyle. The Board recommended Formalized Training, and the NYPD imposed Instructions.
 - 201509361 involved a substantiated allegation of a question against Lt. Doyle. The Board recommended Formalized Training, and the NYPD imposed the recommended discipline.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- On § 87(2)(b), § 87(2)(b) has filed a Notice of Claim with the City of New York claiming emotional and mental distress, physical pain and suffering, humiliation, embarrassment, indignity and the loss of liberty and civil rights, and seeking \$1,000,000 as redress (**16 Board Review**). According to the Office of the Comptroller, a 50-H hearing took place on § 87(2)(b) (**27 Board Review**). The investigation has requested a transcript of the hearing from § 87(2)(b)'s attorney and will be added to the case file upon receipt.
- Neither § 87(2)(b) nor § 87(2)(b) have any history of criminal convictions in New York City (**17-18 Board Review**).

Squad No.: 3

Investigator: Michael Miskovski Inv. Michael Miskovski 06/21/2021
Signature Print Title & Name Date

Squad Leader: Olga Golub SL Olga Golub 06/22/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date